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Paper No. 11

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OFFICE OF PETITIONS

In re application of :
Philip D. Cole, et al. :
Application No. 10/035,791 : ON PETITION
Filed: October 18, 2001 :
Attorney Docket No. 010327-003300US:

This is a decision on the petition filed under 37 CFR 1.47(a) on July 19, 2004, which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67. This is also a decision on the petition filed the same date under 37 CFR 1.48(a).

The petition considered under 37 CFR 1.183 is granted.

The petition under 37 CFR 1.48(a) is granted.

With respect to the petition considered under 37 CFR 1.183:

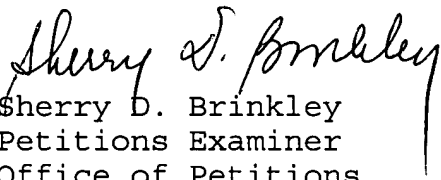
It is noted that 37 CFR 1.47 only applies to the first execution of an oath or declaration by a given inventor. Here, as Mr. Cavasian has already signed the first oath or declaration, 37 CFR 1.47 does not apply to this application. As petitioner has shown that a diligent effort was made to obtain Mr. Cavasian's signature on the supplemental declaration, the lack of his signature will be excused.

With respect to the petition under 37 CFR 1.48(a):

In view of the papers filed July 19, 2004, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by including joint inventor James Scott.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, including correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Telephone inquiries related to this decision should be directed to Sherry D. Brinkley at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy


Conferee: Brian Hearn
Special Projects Examiner